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3 Nevada Bar No. 004417
4 208 South Jones Boulevard
5 Las Vegas, Nevada 89107
6 Telephone: 702 258-8200
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8 and

9 MARK S. BOSCO
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12 2525 East Camelback Road, Suite 300
13 Phoenix, Arizona 85016
14 Telephone (602) 255-6000

15 U.S. Bank National Association as Trustee under Pooling and Servicing Agreement Dated as of
16 December 1, 2006 MASTR Asset Backed Securities Trust 2006-NC3 Mortgage Pass-Through
17 Certificates Series 2006-NC3
18 09-74398/0325692713

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEVADA

IN RE:

Gordon Petersen

Debtor.

No. 09-17607-bam

Chapter 13

Date: 10/15/09

Time: 1:30pm

OBJECTION TO CONFIRMATION OF PROPOSED CHAPTER 13 PLAN

U.S. Bank National Association as Trustee under Pooling and Servicing Agreement Dated as of
December 1, 2006 MASTR Asset Backed Securities Trust 2006-NC3 Mortgage Pass-Through Certificates
Series 2006-NC3 , Secured Creditor in the above-entitled Bankruptcy proceeding, hereby submits the
following objection to that certain Chapter 13 Plan proposed by the Debtors:

1 This objecting secured creditor holds the first Deed of Trust on the subject property generally
2 described as 1981 Golden Shadow Ct. Henderson, NV 89015. As of May 12, 2009, the amount in default
3 was actually \$50,842.38, pursuant to the proof of claim filed on August 17, 2009. The Debtor's Chapter
4 13 Plan lists the arrearage owing to Secured Creditor as only \$0.00. Secured creditor requests that the
5 arrearages as set forth in the Proof of Claim be filed through the Plan. A copy of the Secured Creditor's
6 Proof of Claim is attached hereto as Exhibit "A" and made a part hereof by this reference. Secured
7 Creditor acknowledges the Debtor's attempt to obtain a loan modification as indicated in section 6.02
8 of the Debtor's Chapter 13 Plan. However, Secured Creditor asserts that the loan modification was
9 denied.

10 Any Chapter 13 Plan proposed by the Debtors must provide for and eliminate of the Objections
11 specified above in order to be feasible and to provide adequate protection to this Secured Creditor.

12 It is respectfully requested that Confirmation of the Chapter 13 Plan as proposed by the Debtors be
13 denied.

14 WHEREFORE, Secured Creditor prays as follows:

- 15 1. That confirmation of the proposed Chapter 13 Plan be denied;
- 16 2. For attorney's fees and costs incurred herein;
- 17 3. For such other and further relief as this Court deems just and proper.

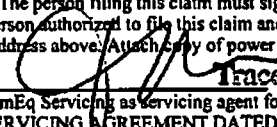
18 DATED this 27 day of Aug, 2009.

19
20 WILDE & ASSOCIATES

21
22 By _____

23 **Gregory L. Wilde, Esq.**
24 Attorney for Secured Creditor
25 208 South Jones Boulevard
26 Las Vegas, NV 89107

B10 (Official Form 10) (12/08)

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA		PROOF OF CLAIM
Name of Debtor: GORDON PETERSEN;	Case Number: 09-17607	
<i>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</i>		
Name of Creditor (The person or other entity to whom the debtor Owes money or property): U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF DECEMBER 1, 2006 MASTR ASSET BACKED SECURITIES TRUST 2006-NC3 MORTGAGE PASS-	<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: <i>(If known)</i>	
Name and address where notices should be sent: Rosicki, Rosicki & Associates P.C. 51 East Bethpage Road, Plainview, NY 11803	Filed on:	
Name and address where payment should be sent (if different from above): Barclays Capital Real Estate Inc. P.O. Box 160101 Sacramento, CA 95816	<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
1. Amount of Claim as of Date Case Filed: <u>\$373,227.24</u> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principle amount of claim. Attach itemized statement of interest or charges.	5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim:	
2. Basis for Claim: <u>Mortgage/Note</u> (See instruction #2 on reverse side.)	<input type="checkbox"/> Domestic support obligations under 11 U.S.C § 507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*), earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C § 507(a)(4)	
3. Last four digits of any number by which creditor identifies debtor: <u>XXXXXX2713</u> 3a. Debtor may have scheduled account as: _____ (see instruction #3a on reverse side.)	<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C § 507(a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property Or services for personal, family, or household use - 11 U.S.C § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C § 507(a)(____).	
4. Secured Claim (see instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate ____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: <u>\$50,842.38</u> Basis for perfection: _____ Amount of Secured Claim: <u>\$373,227.24</u> Amount Unsecured: \$ _____	Amount entitled to priority: \$ _____ * Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.	
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim		
7. Supporting Documents: Exhibits (e.g., leases, promissory notes, mortgages, titles) may be filed electronically subject to the restrictions listed in General Order 08-4. A Summary of Exhibits may be filed electronically in lieu of filing the actual exhibits pursuant to general Order 08-4. If a Summary of Exhibits is filed, the proof of claim and Summary of Exhibits shall be filed together electronically as a single document. A copy of the claim and exhibits, (documentation of your lien), in paper format that complies with the redaction policy as described on the back of this form, must still be provided to debtor's attorney and trustee. Exhibits must be tendered to the Court at least five days prior to the Court hearing to which they pertain. Any Exhibit that is filed with the Court shall comply with the privacy protection requirements set forth in Bankruptcy Rule 9037		
Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or of other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. Date: <u>06/25/2009</u> Barclays Capital Real Estate Inc. dba HomeEq Servicing as Servicing agent for U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF DECEMBER 1, 2006 MASTR ASSET BACKED SECURITIES TRUST 2006-NC3 MORTGAGE PASS-	FOR COURT USE ONLY <div style="text-align: center;">  Tracey O'Brien-Moore Vice President </div>	

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571

EXHIBIT

A

XXXXXX Case 09-17607-bam Claim 14-1 Filed 08/17/09 Page 2 of 5

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

-----X

IN RE:
GORDON PETERSEN;Chapter 13
Case # 09-17607Debtor(s)
-----X**EXHIBIT A**

ITEMIZATION OF CLAIM

Total Claim as of 05/12/2009

Item	Amount
Principal Balance	\$325,776.40
Interest	\$41,621.32
Late Charge[s]	\$973.84
Pre-Petition Foreclosure Fees	\$540.00
Pre-Petition Foreclosure Costs	\$1,535.26
Appraisal[s] / Broker's Price Opinion[s]	\$603.25
Property Inspection[s]	\$21.00
Breach Letter[s]	\$14.68
Escrow Shortage	\$2,409.25
Suspense Balance	\$-267.76
Grand Total	\$373,227.24

Total Arrearage as of 05/12/2009

Item	Amount
Regular Monthly Payments 1/1/08 - 9/1/08 @\$2606.38/mo	\$23,457.42
Regular Monthly Payments 10/1/08 - 3/1/09 @ \$2723.61/mo	\$16,341.66
Regular Monthly Payments 4/1/09 - 5/1/09 @ \$2606.89/mo	\$5,213.78
Late Charge[s]	\$973.84

Case 09-17607-bam Claim 14-1 Filed 08/17/09 Page 3 of 5	\$540.00
Pre-Petition Foreclosure Fees	
Pre-Petition Foreclosure Costs	\$1,535.26
Appraisal[s] / Broker's Price Opinion[s]	\$603.25
Property Inspection[s]	\$21.00
Breach Letter[s]	\$14.68
Escrow Shortage	\$2,409.25
Suspense	\$-267.76
Grand Total	\$50,842.38

Next Post Petition Payment Amount: \$2,612.05

Case 09-17607-bam Claim 14-1 Filed 08/17/09 Page 4 of 5
UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

-----x
In re:

Chapter 13
Case No. 09-17607

GORDON PETERSEN;
Debtor(s)

AFFIDAVIT OF SERVICE

-----x
STATE OF NEW YORK)
COUNTY OF NASSAU) ss:

Arzoo Mamoor, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and reside in Suffolk County,
New York.

On August 17, 2009, I served the Proof of Claim, by depositing a true copy thereof
in a post-paid wrapper, in an official depository under the exclusive care and custody of the
U.S. Postal Service within New York State, addressed to each of the following persons at
the last known address set forth after each name:

George Haines, Esq.
HAINES & KRIEGER, L.L.C.
1020 GARCES AVE., STE 100
LAS VEGAS, NV 89101

Rick A. Yarnall, Esq.
701 Bridger Avenue
#820
Las Vegas, NV 89101

/s/ArzooMamoor
ArzooMamoor

Sworn to before me this
August 17, 2009
/s/ Betsy P. Tarr
NOTARY PUBLIC

BETSY P. TARR
NOTARY PUBLIC, State of New York
No. 01TA6000083
Qualified in Nassau County
Commission Expires December 8, 2009

Case 09-17607-bam Claim 14-1 Filed 08/17/09 Page 5 of 5
UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

-----x
In re:

Chapter 13
Case No. 09-17607

GORDON PETERSEN;
Debtor(s)
-----x

PROOF OF CLAIM

PROOF OF CLAIM

ROSICKI, ROSICKI & ASSOCIATES, P.C.
Main Office: 51 E. Bethpage Road
Plainview, New York 11803
Telephone (516) 741-2585

1 WILDE & ASSOCIATES
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEVADA

IN RE:

Gordon Petersen

Debtor.,

No. 09-17607-bam

Chapter 13

Date: 10/15/09
Time: 1:30pm

CERTIFICATE OF MAILING OF OBJECTION TO CONFIRMATION OF PROPOSED
CHAPTER 13 PLAN

1. On 8-27-09 I served the following documents(s):

OBJECTION TO CONFIRMATION OF PROPOSED CHAPTER 13 PLAN

2. I served the above-named document(s) by the following means to the persons as listed below:

X a. ECF System

Randolph Goldberg
4000 S. Eastern Ave., #200
Las Vegas, NV 89119
Attorney for Debtors

Kathleen A. Leavitt
201 Las Vegas Blvd. So., #200
Las Vegas, NV 89101
Trustee

X b. United States mail, postage fully prepaid:

Gordon Petersen
7720 Sanction Ave
Las Vegas, NV 89131
Debtor

☐ c. Personal Service (List persons and addresses. Attach additional paper if necessary)

I personally delivered the document(s) to the persons at these addresses:

☐ 1. For a party represented by an attorney, delivery was made by handing the document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge by leaving the document(s) in a conspicuous place in the office.

N/A

☐ 2. For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

N/A

☐ d. By direct mail (as opposed to through the ECF System)

Based upon the written assignment of the parties to accept service by email or a court order. I caused the document(s) to be sent to the persons at the mail addresses listed below. I did not receive,

1 within a reasonable time after the transmission, any electronic message or other indication that the
2 transmission was unsuccessful.

3 ☐ **e. By fax transmission**

4 Based upon the written assignment of the parties to accept service by fax transmission or a court
5 order. I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by
6 the fax machine that I used. A copy of the record of the fax transmission is attached.

7 ☐ **f. By messenger**

8 I served the document(s) by placing them in an envelope or package addressed to the persons at
9 the addresses listed below and providing them to a messenger for service.

10 **I declare under penalty of perjury that the foregoing is true and correct.**

11
12 Signed on : 8-27-09
13 CWatt
14